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Paper No. 8

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**OFFICE OF PETITIONS
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ON PETITION**

In re Application of :
Robert Thompson, et al. :
Application No. 08/482,283 :
Filed: June 7, 1995 :
Attorney Docket No. 4189.0083-06000 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 10, 1996, to revive the above-identified application.

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed August 17, 1995. The Notice set a period for response of one (1) month from the mail date of the Notice or two (2) months from the filing date of the application, whichever is later. No extensions of time under the provisions of 37 CFR 1.136(a) having been obtained, the date of abandonment of this application is September 18, 1995.

Since this petition was filed more than one year after the date on which the application became abandoned, the petition is barred; 37 CFR 1.137(b).

In view of the above, the present petition is dismissed as moot. Therefore, the petition fee of \$1290 which was charged to petitioner's Deposit Account No. 06-0916 will be credited.

Petitioner may have relief under the provisions of 37 CFR 1.137(a). However, in view of the fact that this case has been abandoned for an inordinate period of time, petitioner must show diligence between the time of becoming aware of the abandonment of the above-identified application and the filing of a petition to revive. Note In re Application of S, 8 USPQ2d 1630.

The statement that the "abandonment was unintentional" does not comply with 37 CFR 1.137(b).¹ However, the statement presented will be accepted as meaning that the "delay was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

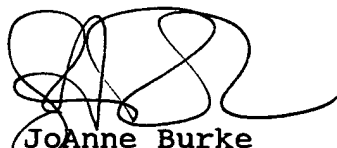
Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
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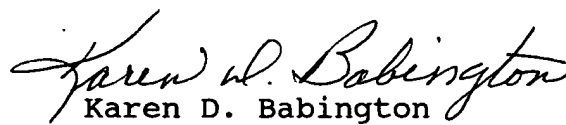
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Arlington, VA

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6908.



JoAnne Burke
Legal Instruments Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects



Karen D. Babington
Petitions Examiner

¹Effective September 20, 1993. See "Changes in Procedures for Revival of Patent Applications and Reinstatement of Patents," published at 1154 Official Gazette 4 (September 14, 1993).